

**Notice of Allowability**

Application No.

09/777,969

Applicant(s)

ELLIOTT, BRIG BARNUM

Examiner

TUAN A. PHAM

Art Unit

2618

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on 02/06/2007.
2. ☒ The allowed claim(s) is/are 1-10, 14-23, 27-35 and 60-67.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Attorney of record Lock See Yu-Yahnes on 07/10/2007.

3. The application has been amended as follows:

#### **In the claims:**

In claim 27, line 1, before "program code", replace "A program product which comprises" with – A computer readable medium comprising --.

In claim 28, line 1, before "as set forth", replace "A program product" with – A computer readable medium --.

In claim 29, line 1, before "as set forth", replace "A program product" with – A computer readable medium --.

In claim 30, line 1, before "as set forth", replace "A program product" with – A computer readable medium --.

In claim 31, line 1, before "as set forth", replace "A program product" with – A computer readable medium --.

In claim 32, line 1, before "as set forth", replace "A program product" with – A computer readable medium --.

In claim 33, line 1, before "as set forth", replace "A program product" with – A computer readable medium --.

In claim 34, line 1, before "as set forth", replace "A program product" with – A computer readable medium --.

In claim 35, line 1, before "as set forth", replace "A program product" with – A computer readable medium --.

**(End of Amendment)**

***Response to Election/Restrictions***

4. This application is in condition for allowance except for the presence of claim 11-13, 24-26, 36-58, 68-72, and 84-85 directed to invention II non-elected without traverse. Accordingly, claim 11-13, 24-26, 36-58, 68-72, and 84-85 has been cancelled.

**REASONS FOR ALLOWANCE**

5. Claims 1-10, 14-23, 27-35, and 60-67 are allowed over the prior art of record.

6. The following is an examiner's statement of reasons for allowance:

The applicant's Remarks, filed on 02/06/2007, have been carefully reviewed with update search. Consequently, reasons for allowance of claims 1-10, 14-23, 27-35, and 60-67 are set forth in according to the applicant's remarks stated on pages 18-19.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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### Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Pham whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2618  
July 10, 2007  
Examiner

Tuan Pham

Supervisory Patent Examiner  
Technology Center 2600

Matthew Anderson